TESTIMONY OF
CATHERINE S. FOWLER, PH.D.
DEPARTMENT OF ANTHROPOLOGY UNIVERSITY OF NEVADA, RENO

S. 2102
A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A HOMELAND FOR THE TIMBISHA SHOSHONE TRIBE INSIDE AND OUTSIDE DEATH VALLEY NATIONAL PARK AND FOR OTHER PURPOSES.

SENATE INDIAN AFFAIRS COMMITTEE
March 21, 2000

My name is Catherine Fowler, and I am an anthropologist with the University of Nevada, Reno, as well as a member of the Board of Trustees of the National Museum of the American Indian, Smithsonian Institution. I am hereby testifying in favor of S. 2102, a bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, in Death Valley National Park, CA, and vicinity. As one who has worked on contract for the National Park Service and for the Tribe on this matter, I believe I am familiar with the historical context in which this Act is proposed, and will do my best to answer any questions that the Committee may have. I feel that this bill will right a long-standing wrong done to this Tribe by providing them with trust lands in an area that they and their ancestors have called home for countless generations. I sincerely believe that the Timbisha people will be responsible stewards of their lands, and of the lands within Death Valley National Park proposed for cooperative management between them and the National Park Service. My work with the elders of the tribe has documented their extensive knowledge of the ecology of the region, and of ancestral and very sound approaches to land and resource management. Their sincere interest in all management issues involving this region stem from a deep spiritual commitment to the land and its resources. However, given that they have been prevented from actively participating in ancient resource management practices because of conflicting national policies, they and we are in danger of losing this valuable information. In order for the younger generations of the Tribe to carry forward, to continue to treat the land with respect, and to demonstrate their stewardship, they need to begin to interact with these lands again in the manner taught by the Old Ones. This is knowledge that should not be fossilized in books, but be part of a living tradition, in keeping with the goals of all national cultural and historic preservation legislation, as well as stated goals of the National Park Service to make our national heritage lands also places of contemporary human significance.

Explorers, emigrants and early scientists all agree that the Timbisha people and their closest relatives occupied the lands now incorporated within Death Valley National Park, as well as surrounding areas, from roughly Ash Meadows on the east to Owens Valley on the west, and from the vicinity of Lida, NV on the north to Shoshone, CA on the south- some 15,000 sq. mi. in all. Within these lands they practiced a pattern of seasonal transhumance, taking them from semi-permanent camps on the floors of the valleys in winter and spring to additional semipermanent locations in the adjacent mountains in summer and fall. This pattern was developed through the centuries in response to the difficult climatic conditions in the region, as well as to the pattern of

naturally occurring food resources, such as mesquite and pinyon, and small and large game animals. Two of these camping areas joined in this pattern were Timbishaka, literally "at red ochre," the area near present-day Furnace Creek, and Paatsa, one of several springs in the upper Wildrose mountain area. S. 2102 provides 300 acres of land at the former, and camping and resource access at the latter, in keeping with this old tradition. Other sites named in the bill, such as those on Hunter Mountain, and at Centennial, as well as Death Valley Junction and Lida, are linked in similar patterns and are far from arbitrary choices on the part of the Tribe. They reconstruct as closely as is now possible some of that ancient seasonal round that provided the spiritual foundation for the daily lives of the people. Likewise, the lands specified for co-management and special use are all places of deep historical and spiritual significance to the people: Saline Valley for its healing hot springs and historic ranches, Hunter Mountain and Wildrose for their pinyon groves, springs, hunting grounds and historic camps, etc.

Timbisha Village itself, presently a 42 acre area, is actually the 4th historic homesite of the Timbisha people in the vicinity of Furnace Creek. And, there are several older archaeological sites in the area that document an earlier occupation. The present village dates to 1936, when 11 adobes were constructed as a joint effort of the Bureau of Indian Affairs and the National Park Service. Of these, 7 remain today, along with additional non-permanent housing for the expanded community. Without title to these and additional lands, people cannot have adequate permanent housing or any other structures that will allow for economic or cultural development. Without title to these lands, the people cannot control any aspect of their future.

When the Timbisha Tribe gained federal recognition in 1983, the status was granted without trust lands, even excluding the 42 acres at Furnace Creek.. As of 1994, the last time I checked, all tribes obtaining federal recognition before the Timbnisha Tribe had land. Of those obtaining recognition since the Timbisha, three were without land as of August 1994. Of the three, two were about to obtain land through settlements with their respective states (Wampanoag, MA; Mohetan, CT), and the third (San Juan Southern Paiute, AZ) were involved in negotiations with another tribe (Navajo) for lands. I believe that the latter negotiations are still going on. I do not know the final disposition of the former two cases, or if federal status has been granted to Tribes without lands since 1994. But the Timbisha situation appears to be quite unique, and provisions of the Desert Protection Act of 1994 were in part designed to remedy that-to find a suitable homeland for the Tribe.

In the early years after the establishment of Death Valley National Monument in 1933, there were some economic opportunities for the Timbisha people within the area. They had earlier helped to build Scotty's Castle, and now would work on the Furnace Creek Inn. They worked at Furnace Creek Ranch, at the date orchard, and over the years in park maintenance, and for the private corporations that have operated the tourist facilities within the Monument and Park. However, in recent years, those opportunities have become fewer, and the lack of jobs has sent many individuals to surrounding areas to obtain employment and therefore residence. However, all individuals have remained tightly tied to the lands in Death Valley, continue to come home to visit, and express interest in returning if means for economic development can be found. Compatible tribal enterprises, such as eco- tourism and tourist services, a museum and cultural center, and the expansion of tribal offices and headquarters would be the needed impetus for their

return. The ability to gain permanent housing for the present residents, as well as to expand permanent housing units for returning members, and room for future growth would be provided through this Act, not only at Furnace Creek, but at the other sites requested surrounding the Park.The Tribe is fully cognizant of the need for enterprises within the Park to be fully compatible with Park policies, and it favors this orientation out of respect for the land and the natural beauty of the region.

In the period before the establishment of Death Valley National Monument, the Timbisha people practiced a type of land management that was gentle yet effective. They pruned the mesquite trees on the valley floor, both to provide wood in a scarce wood environment, and to foster the growth of the mesquite beans, a major staple food. They kept the groves open and free of undergrowth, which in turn lead to the germination of seedling trees and prevented the buildup of sand which now engulfs many of the trees. Similarly, they pruned the pinyon trees in the mountains after harvesting the nuts, a second staple food, which lead to more cone development and better overall tree health. They also burned old growth cattails and tules in and around open water sources and willows along stream banks, which opened up water sources for waterfowl and wildlife and allowed the people to harvest various plants for food and manufactures. They burned several acres/year to encourage the growth of native tobacco, and various seed plants, and they trimmed and tended leafy plants to encourage new growth, which in turn promoted biodiversity. They also were very careful in their game hunting practices, especially for bighorn sheep, and carefully tracked both the numbers and movements of large game animals and herds.

When Death Valley National Monument was created in 1933, some of the aboriginal subsistence practices of the Timbisha people were allowed to continue for a few years. But by the 1940s, with stiffer national policies, all hunting, long-term camping, burning, wood collecting, trimming and pruning ceased. This virtually paralyzed the people, completely changing their lives. As elders, including her mother, remarked to Pauline Esteves at the time they heard of the ban on former subsistence practices: "What we ought to do is get all our hunters and let them go up to wherever the mountain sheep are and kill the whole bunch of them...and then we women would go up there and set fire to the forest where the pine nuts are. Get rid of everything. And then see what they'll do to us .... Why don't they just come and just kill us off?. They can't just be saving what is part of us. The bighorn sheep and all the other things are just part of us, but they are protecting them. So they said we had no meaning to the land at all. Therefore, we were useless, and they ought to come by and just kill us off." The Timbisha people definitely have meaning to the land, and they are a significant part of its past and future.

I believe that these indigenous management techniques are extremely important to the health of the natural environment of Death Valley. They also would be of considerable interest to park visitors, and very instructive to younger generations of land management ethics. It is proposed in the Act that the Tribe and the National Park Service cooperate in illustrating these aspects for the visitor, as well as other areas where the Timbisha people have unique knowledge of the region to share. This will enhance the visitor experience, as will their direct contact with the Timbisha people as they tell their own story.

In sum, I feel that this legislation is highly significant, both to the future of this Tribe as

well as to the betterment of us all. It rights a long-standing wrong, fosters the maintenance and cooperation of two government entities (the Tribe and the National Park Service), will benefit the lands and resources of Death Valley National Park, and enhance the visitor experience to the area.I believe that there is everything to gain by the passage of this bill, and nothing to loose, and I urge you to give it the most serious consideration and highest priority.